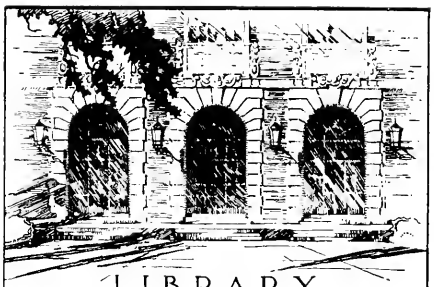

INTOXICATING LIQUOR ACT, 1874.

SEVEN LETTERS TO THE "TIMES."

BY

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1874.

I.

HOURS OF OPENING AND CLOSING LICENSED HOUSES UNDER THE ACT OF 1872.

SIR,—Mr. J. J. Homer, chairman of the Licensed Victuallers' Association, in his speech to the Home Secretary on Tuesday, has incorrectly summarised the return relating to licensing districts, No. 382, for which I moved last Session, and which was laid upon the table on the 2nd of August, 1873. He said: "That the decisions of the Licensing Justices had been most conflicting was proved by the returns to Parliament in August last, when it was stated that there were 111 licensing districts where the hour of closing was eleven o'clock at night, while in 208 districts the houses had to be closed at either ten o'clock or half-past ten o'clock at night."

The facts are as follow: There are 890 licensing districts, including boroughs. In eight, the Justices have extended the hours of closing on week-days to midnight—Luton, Greenhoe, Isle of Wight, Abingdon, Blackburn, Cambridge, Folkestone, Yarmouth; in five, to 11-30 p.m. There are 75 districts (not 208) in which the Justices have reduced the hours and closed the public-houses at 10 or 10-30 p.m. There are, therefore, 802 districts (instead of 111, as stated by Mr. Homer) in which the Justices, having made no change, all the licensed houses are uniformly closed, in accordance with the 24th section of the Act, at 11 p.m.

As regards opening, in sixty-five districts the hours have been extended from 5 and 5-30 to 6 a.m., and in fifty-five reduced from 6 to 7 a.m. There is, therefore, already absolute uniformity of hours of opening in 770 districts out of 890, and in 701 no alteration whatever (not even on Sundays) has been made. In only forty-six boroughs has there been any change; thirteen in the hours of closing, thirty-three in the hours of opening, nineteen in the hours on Sundays. Two or three changes have been made in some boroughs.

I observe that in the Bill to be promoted by the Licensed Victuallers, and of which they ask the Home Secretary to take charge, an uniform hour of closing (midnight) is to be proposed. Is this proposition to be confined to the houses of Licensed Victuallers or extended to beerhouse keepers? If the former, and ginshops are to be open an hour after the beerhouses are closed, what becomes of the argument in favour of "uniformity of hours for the whole trade?" If the latter, and the beerhouses which previously closed at 11 p.m. are to be open till 12, then the beerhouse legislation, for which we are deeply indebted to the present Under Secretary for the Home Department, must be repealed, a policy to which Sir H. Selwin-Ibbetson would probably be the last man to consent.

Your obedient servant,

GEORGE MELLY.

II.

THE BILL OF 1874 AS ORIGINALLY INTRODUCED.

SIR,—It is of such importance that the proposals of the Government as to the hours of opening and closing drink-shops should be understood by all those interested before the second reading of the Licensing Act (1872) Amendment Bill, that I venture to ask for a small space in the *Times*.

The main principle of Lord Kimberley's Bill, introduced in the House of Lords (April 16, 1872), was the uniform opening and closing in districts over 2,500 inhabitants of all houses where any description of fermented liquors were sold. Thus licensed public-houses, beer and cider houses, and refreshment houses were all henceforward to open and close at the same hour in each borough and county division, while grocers, with licenses to sell off the premises, were compelled to cease to sell or expose for sale at the same time. This change was hailed with approval by the whole country; no objection was raised, so far as I am aware, in either house, and since August 10, 1872, this has been the law of the land.

The chief feature of Mr. Cross's Bill is to establish in every town and district of more than 10,000 inhabitants, two sets of closing hours—one for the licensed public-houses (11-30 p.m.), and one for the beer, cider, and refreshment houses (11 p.m.).

During the discussion of Lord Kimberley's Bill in the House of Commons, it was so conclusively shown how great would be the inconvenience, jealousy, and heart-burning created by fixing different hours for various districts in accordance with their population, that Lord Aberdare abandoned the Government proposals on this point, all the amendments were withdrawn, and the hours of 6 a.m. to 11 p.m. in the provinces were fixed with universal consent, leaving to the magistrates a discretion to shorten or lengthen by one hour in the morning or evening, if they were so disposed. How rarely they have felt justified in using this power I have shown both in the *Times* and in the House of Commons. In 802 licensing districts out of 890, the hours so fixed by the Act are in force. In only nine boroughs (population 256,291) have the closing hours been extended. In 187 boroughs (population 4,314,216) the whole community has acquiesced, without murmur, in the hour of 11 p.m., as fixed by the Act; and 127 borough superintendents of police report to the Home Secretary that "the Act works satisfactorily." If Mr. Cross had secured "uniformity" in the provinces by fixing 6 a.m. to 11 p.m., and withdrawing the discretion now given to the licensing justices, he might have gone against the wishes of nine small towns; but by his proposal he disturbs the order of things which has existed with complete approval since August, 1872, in Liverpool, Manchester, Birmingham, Hull, Leeds, Sheffield, Bristol, and every town in England and Wales, with thirteen unimportant exceptions. "The trade"—the beerhouse keepers, in their simplicity, making common cause with the spirit-sellers—asked for "uniformity

all over the country." He fixes by statute the hours of public-houses at West Derby, a suburb of Liverpool, at 11 p.m., and in the same street, but across the municipal boundary, at 11-30 p.m., while the beerhouses in both localities will be closed at 11, and, to use the words of Sir Henry Selwin-Ibbetson, now Under Home Secretary ("Hansard," July 11, 1872), "men turned out from an early house went to one that kept open later. The keeper of the last house did not know the state they were in, and served them with more drink: they then got intoxicated."

The unfairness and class-legislation of reimposing this distinction between spirit and beer houses, and thus, as Sir William Harcourt said on Monday night, creating "an aristocracy of spirits," and, *pro tanto*, encouraging the consumption of brandy and gin, is surprising, as coming from a Government whose Chancellor of the Exchequer so lately bewailed "the rapid consumption of spirits."

Exclusive of the metropolitan district, there are 62,261 public-houses, and 40,923 beer and cider houses. In every village and town, in every lane and street, which contains a publican and a beer-seller, "diversity" of hours will be created, and the police, when they have cleared the beerhouses at eleven, will hardly have breathing time before they have to clear the same persons out of the spirit-houses in the same street.

The proposal thus to create a new distinction between spirit and beer houses also involves a breach of faith towards the latter. Under section 45-46 of the Licensing Act, 1872, beerhouse keepers have been compelled "to improve their premises so as to make them of sufficient annual value," and those who have thus invested new capital in their business will now rightly consider themselves unfairly dealt with when the publicans, who also sell beer, are allowed to entice away their old customers.

This proposal to grant spirit-houses an extra half-hour will also work most unequally as regards different towns. In Liverpool, spirit licenses having been largely granted some years ago to beerhouses, so as to bring them under the control of the police, there are 1,934 spirit-houses and 325 beerhouses; in Manchester and Salford, where a different policy has been pursued, there are 599 spirit-houses and 2,347 beerhouses. Thus in Liverpool, between 11 and 11-30 p.m., there will be 1,934 open houses for the sale of beer and spirits, or one for every 230 inhabitants, while in Manchester and Salford there will only be 599 houses open, or one for every 734 inhabitants.

The more carefully these proposals are examined, whether from a police or a magisterial point of view, as involving the maintenance of law and order, and the peace, sobriety, and quiet of the community, especially in large towns, or whether as a question of fair and equitable dealing with all branches of a large and important trade, the more completely, I venture to think, will all sections of the community concur in the almost unanimous condemnation with which Mr. Cross's Bill was received this morning in the House of Commons.—I am, Sir, yours sincerely, GEORGE MELLY.

House of Commons, 28th April, 1874.

III.

CONSUMPTION OF INTOXICATING LIQUOR.

SIR,—In your excellent article to-day you seem to have understood me to have stated that the sum "spent in public-houses" had realised the enormous figure of £146,000,000 during 1873. The case is so strong that it should not be overstated. What I said in the closing part of my speech on Monday evening was, that the entire cost to the consumer of every description of Foreign and British wines and spirits, beer, and all other intoxicating liquors consumed in the United Kingdom, was £118,906,066 in 1871, as shown by the Customs and Excise returns, which had then increased to £24,445,837, exclusive of license duties. Since then the consumption, calculated on the same basis (by Mr. William Hoyle, author of *Our National Resources*, in 1870, and never, so far as I am aware, disputed), has increased to £145,989,037, the Customs and Excise revenue having been £27,861,922 in 1873. Mr. Leone Levi has assumed that, of the whole amount expended in drink, two-thirds is expended by the working classes; and the working classes may be fairly said to buy their liquors at public-houses and beerhouses. My assertion, therefore, was that in the 186,000 licensed houses of the United Kingdom, there had been an expenditure, or a "trade over the counter," of £75,400,000 in 1871, which had increased, in the face of the legislation of 1872, to £97,300,000 in 1873. My argument, based upon these figures, was that the 105,784 licensed public, beer, and wine houses of England and Wales, which alone the Bill affects, have small cause of complaint against the restrictive Act of 1872, which has not prevented them doing a business in 1873 showing an increase of 15 or 18 millions sterling over the already increased and lucrative trade of 1871; and I proceeded to show that the increased money value of goodwill and licenses fully bore out these figures.—I am, Sir, yours sincerely,

GEORGE MELLY.

House of Commons, May 13.

IV.

REPORTS FROM MAYORS OF BOROUGHS ON THE LICENSING ACT, 1872.

SIR,—It will be recollected that in the course of the debate on the second reading of the Licensing Amendment Bill, Sir H. Selwin-Ibbetson quoted from certain Returns which he had obtained from the Mayors and police of English and Welsh boroughs in reply to a private and confidential circular which he had sent out. Being pressed by Mr. Lowe, Mr. Forster, and other members, the Under Secretary for the Home Department promised to lay these Returns upon the table of the House, and they were published yesterday.

This paper (No. 160) seems to me of such importance, as showing the working of the Act of 1872, and as likely to have such weight in guiding the House and the country to a right judgment in the revision of that Act, that I venture to ask you to insert the following analysis of these Returns, which I have drawn up, I hope, with perfect fairness.

The circular was, it appears, addressed to the Mayors of 172 English and Welsh boroughs, and had reference to two matters :—

(I.) "As to hours of opening and closing." Upon this the following three questions were asked :—

"(A.) Are those fixed by the Act in force in the borough?

"Replies.—Yes, 147; no, 25; open, 5 a.m., 15; open, 7 a.m., 10; extended to 11-30 p.m., 3; extended to 12 midnight, 4; curtailed, 1; close at 10-30 p.m., 1; close at 10 p.m., 1; changes on Sundays, &c., 23.

[Note.—The apparent discrepancy between these replies and the Return, No. 382, moved for by me last Session, is due to the fact that that Return applied to all England and Wales, these replies only to boroughs.]

"(B.) Has any expression of public opinion taken place against the restriction as to hours?

"Replies.—There has been none against the restriction in 144 boroughs; in 12 the inhabitants complain; in 11 the publicans only object; in 3 no opinion is expressed; in 2 petitions or memorials each way.

[N.B.—In four or five cases the complaints of the inhabitants have been met by the Licensing Justices extending the hours as requested.]

"(C.) Do they reasonably satisfy the wants of the inhabitants, or is an extension of hours desirable?

"Replies.—They do reasonably satisfy, and no extension is desired 142; they do not, and extension is desired, 3; an extension to 5 a.m. and to midnight on Saturday especially is desired, 10; some extension during the summer months is desirable, 2; exemptions (fairs, balls, &c.) are freely granted, and people are satisfied, 5; if exemptions were more freely granted people would be satisfied, 6; opinion is divided in these boroughs, 4."

(II.) The next series of questions have reference to "Grocers having licenses for the sale of wines or spirits." It appears that the present number of the above is, in the 172 boroughs of England and Wales, 1,732, showing an increase of 369 since August, 1872. In respect of these Grocers' licenses, the following very "leading" questions have been put, and the Mayors of the 172 boroughs have thus answered them:—

"(A.)—Has spirit-drinking increased? if so, is such increase to be traced to the facilities afforded by the sale by grocers of spirits in bottles?

"Replies.—No, spirit-drinking has not increased at all, 108. Yes, spirit-drinking has increased, and it is attributable to this cause, 17. Yes, drinking has increased, but not through the sale by grocers, 5. Yes, not from the cause here mentioned, but from the high wages and short hours of labour enjoyed by the labouring classes, 13. There is ground to fear that the grocers selling spirits conduce to social tippling among women, 10. If there be any increase it is attributable to this cause, 3. No opinion given, 16.

"(B.)—Would there be any objection to placing grocers, with respect to the grant of licenses, on the same conditions as to magisterial approval as other licensed houses?

"Replies.—None, and it would be desirable, 137. Yes, it would be undesirable, 26. They are so now in this borough, 3. No reply given or opinion offered, 6.

"(C.)—Do you think that curtailing the hours has led to drinking in unlicensed premises, and that the large increase reported in the cases of drunkenness arises from this cause?

"Replies.—No, there are no grounds for supposing that to be the case, 142. Yes, this has been the effect of curtailing the hours, 17. Yes, to a certain extent, 8. Yes, very likely this is so, 1. There is much difference of opinion upon this point, 3. No opinion offered, 1."

(I.) As regards the vexed question of "hours," I venture to think that few measures affecting the social habits of the people have ever received such an overwhelming testimony in their favour as that here given. In 147 boroughs out of 172 the hours suggested in the Act of Lord Aberdare have been adopted by the Licensing Justices. In 155 the inhabitants are perfectly satisfied. To the courteous invitation of the Under Home Secretary to declare themselves in favour of an extension of hours, 142 Mayors emphatically declare that the inhabitants are satisfied, and that any extension would be undesirable, while the Chief Magistrates of 23 other towns qualify their approval, or make minor suggestions. It seems impossible that the Home Office could have been in possession of these Returns when they draughted a Bill thus, in direct opposition to the wishes of the boroughs of England and to the advice of their Mayors and Superintendents of Police.

(II.) As regards grocers' licenses, the Government show an equal disregard of the advice they have invited. One hundred and thirty-seven Mayors of boroughs think grocers should be placed under the same conditions as other licensed houses, but Mr. Cross follows the

opinion of the 26 Mayors who advise that things should be left as they are, and the question of grocers is not dealt with at all in the present Bill.

It is fortunate this paper has been issued, as Sir H. Selwin-Ibbetson was evidently misled by some of the letters he had perused when he made the general statement that curtailed hours led to drinking in *unlicensed* houses—a statement which had great effect with the House. One hundred and forty-two replies deny this, while only 17 positively affirm it. Sir H. Selwin-Ibbetson said:—

"They had evidence from the Mayors and police in different boroughs which showed a state of things which he looked upon with dread—that in many places where the hours had been restricted, illicit drinking had become the custom, almost the habit. (Hear, hear.) The Mayor of Worcester said that in that city the curtailment of the hours had led to an increase of secret-drinking. The Mayor of Warrington told them that if the hour of closing was fixed at 10 o'clock, a large increase of illicit drinking would be the consequence. The Mayor of Kingston-upon-Hull complained of a great increase of drunkenness in consequence of private-drinking occasioned by shortening the hours. The Mayor of Kendal told the same story. The police of Gateshead complained of an increase of drunkenness arising from high wages, fewer hours of labour, but, above all, from street-drinking under what was called the bottle system. (Hear, hear.) People bought the spirits in the public-houses before closing hours, but drank them either in the street or in private houses."

Many of these Mayors seem to labour under an error which, curious to say, is shared by the Home Office, viz., that purchasing a bottle of spirits and drinking it at home, with or without friends, openly or secretly, is an offence against the law. What the Act of 1872 attempted to do was to curtail the hours of public drinking, disorder, and riot in the streets, to reduce the number of unlicensed houses—*where drink is sold* to a *minimum*—by enlarging the powers of the police, to diminish the facilities for drinking, with a due regard to the convenience of the inhabitants of each district. With what considerable success these objects have been achieved is shown in these reports, received by the successors of Lord Aberdare and Mr. Winterbotham at the Home Office, in answer to their own questions.—I am, Sir, yours sincerely,

GEORGE MELLY.

Abercromby Square, Liverpool, May 29.

V.

CONDEMNATION OF EXTENDED HOURS OF OPENING PUBLIC-HOUSES.

SIR,—In confirmation of the views you hold as to the general popularity enjoyed by the Licensing Act of 1872, and of the almost universal condemnation from all parts of the country of the attempt on the part of the present Government to revise one of its most important provisions, I enclose a summary of some of the manifestations of public opinion which have been made since the introduction of the (so-called) Amendment Bill. Fourteen religious societies, including the Society of Friends, and the Clergy of Oxford and Malvern have petitioned against the extension of hours.

The Town Councils of Birmingham, Clitheroe, Hartlepool, Lancaster, Macclesfield, and Salford have petitioned against that part of the Bill.

Twenty-one Boards of Guardians, including the Select Vestry of Liverpool and St. Pancras, and the Guardians of Manchester and Leicester, have passed resolutions opposing any extension of hours.

In 73 boroughs "town meetings' have been held condemning the extension of hours and the distinction proposed to be set up between spirit and beer houses. In Bath, Bradford, Birmingham Leeds, Liverpool, Manchester, and 14 other towns, the Mayor presided; in no case does it appear that any amendment was ever proposed.

Meetings of the magistrates of Salford, Manchester, Liverpool, Bolton, South Shields, Torquay, Devonport, Batley, Croydon, Bury, Cheshire, Bodmin, Bridgewater, Worrall, Bacup, Huddersfield, Burnley, Exeter, Holland (Lincolnshire), Tynemouth, and Middlesborough have been held condemning the Bill. At Exeter, and by several other benches of Justices, the following resolutions have been adopted :—

"1. That the principle of the hours of closing fixed by the Legislature is a very desirable one. 2. That the hours of closing indicated by the Licensing Act, 1872—viz., on week days at 11 o'clock p.m., and on Sundays at 10 o'clock p.m., and which have been adopted in Exeter—have worked satisfactorily, both by improving the character of the licensed houses, and by promoting orderly behaviour at night in the public thoroughfares. 3. That it is desirable that all premises, whether public-houses or not, licensed for the sale of intoxicating liquors by retail, and whether to be consumed on the premises or not, should open and close at the same hours (as at present)."

Up to the 19th of May no less than 318 petitions, in the same sense as the above resolutions, had been presented to the House of Commons from 264 different towns or districts.

There can be no doubt that the above list is very incomplete and largely defective, and that every day the number of public and official bodies who meet to condemn the Bill is greatly increased. Surely, in the face of such a con-census of public opinion, the Government will on Thursday see fit to withdraw their suggestion of lengthening hours, and therefore of increased facilities for drinking, and allow matters, as regards the hours of "opening and closing all licensed houses," to remain as they are.—I am, yours sincerely,

House of Commons, June 1. GEORGE MELLY.

VI.

SUMMARY AND DESCRIPTION OF THE INTOXICATING LIQUORS ACT, 1874.

SIR,—As the Licensing Amendment Bill has now passed both Houses, and only awaits the Royal assent to become law, I venture to draw the attention of the Justices and Licensing Committees, who will shortly be called together to enforce its provisions, to the changes which it makes in the law as administered by them since 1872.

An attentive study of the new Act would appear to be the more necessary, as not only have the Licensed Victuallers' Association put forth and widely circulated a very misleading account of its main provisions, but on many occasions its promoters have misrepresented the scope and importance of the modifications which it makes, especially as regards the powers of the police and the mitigation of penalties. There is, therefore, reason to fear that breaches of the law may be committed in ignorance, or that the Justices may be urged to modify, in accordance with speeches made in the Legislature, a procedure still authorised or directed by existing Acts of Parliament. The state of the law will, on careful examination, be found to be as follows :—

Hours of opening and closing.—In the Metropolis the exemptions in favour of the public-houses near the theatres are abolished (Section 4), and all public-houses, beerhouses, refreshment and night houses, grocers' shops which have taken out a wine or spirit license, close at 12-30 a.m., and excepting night houses (Section 11), open at 5 a.m.

In that portion of the Metropolitan police district which is outside the limits of the Metropolis, as defined by the Act, all such licensed houses will open at 6 a.m. and close at 11 p.m.

In all boroughs or towns (*i.e.*, urban sanitary districts containing not less than 1,000 inhabitants) all such licensed houses will open at 6 a.m. and close at 11 p.m.

Thus, as regards the Metropolis, the Metropolitan police district, and all the boroughs and towns, the Licensing Justices are relieved of all responsibility, and the hours of opening and closing are fixed by the Statute. (Section 3.)

When we come to the rural parishes, on the other hand, we find "the discretion of the magistrates" not only maintained, but extended. They are directed to meet and decide what portions, if any, of the districts under their control are to be considered as "populous places" (Section 32). They have been urged to regard themselves as "Boundary" or "Census Commissioners," compelled to take a purely arithmetical view of their duty. A populous place shall contain at least 1,000 inhabitants, but they will find no word of guidance in this Act as to its area or density of population. As no powers are taken in the Act, by *mandamus* or otherwise, to compel them to declare a rural district of 2,000, or 3,000, or 4,000 inhabitants to be a "populous place," and as there is no provision made for

appeal against their decisions, they will be advised by their clerks that they are perfectly free to decide as they think best for the wants of the inhabitants, and the peace, welfare, and order of the locality. If they decide the place to be "populous," all the licensed houses will open at 6 a.m. and close at 11 p.m.; and if they decide it not to be "populous," the licensed houses will close at 10 p.m. The County Justices will, no doubt, be in some degree guided by a calculation of the number of beerhouses now placed on the same footing as public-houses, which their decision may affect. In all places under 2,500 inhabitants they will remember that in fixing 11 p.m. they allow beerhouses to be open one hour longer than has ever been previously permitted. It is to be hoped that, in conformity with the assertions and admissions made in both Houses of Parliament, the Justices will regard their "discretion" in this matter as completely restored to them, and will discreetly use it for the benefit of the districts under their control.

The words in Section 9 prohibiting "any intoxicating liquor to be consumed in such premises, although purchased before the hour of closing," will enable the police actually to close all the houses at 10 or 11 p.m., or 12-30, as the case may be, and, as was stated by the Lord Chancellor, "will thus put an end to much litigation and dispute."

No change is made in the hours of opening and closing on Sundays, but Justices may vary the hour of opening between 12-30 and 1 p.m. to suit the hours of public worship. (Section 6.)

Early closing licenses may be taken out, and those who wish to close an hour earlier on week-day nights will have a rebate of one-seventh, and those who wish to close all Sunday may also obtain an additional remission of one-seventh. (Sections 7 and 8.)

There is only a change of a restrictive character in Section No. 10, which deals with the "*bonâ fide* traveller." He must now not only have travelled three miles from the place where he lodged on the previous night, but, as heretofore, the Justices must also be satisfied of his *bonâ fides*, and that the publican was guiltless of knowingly evading the law. They are not necessarily to regard the traveller as *bonâ fide* because he has travelled three miles.

Mitigation of Penalties.—No clauses of the Bill have been more misrepresented than those which deal with the record of convictions upon the licenses.

Under the Sections of the Act of 1872 the conviction of any person who permitted drinking on the premises contrary to the terms of his license (5 and 6), or who refused to admit a constable (35), was *ipso facto* to be recorded upon his license; while the conviction of any person who permitted drunkenness (13), kept a disorderly house (14), harboured, supplied liquor to, or bribed a constable (16), permitted gaming (17), or sold liquor during prohibited hours (24 and 28), was to be recorded upon his license, unless the Justices otherwise directed.

Under Section 13 of the Act of 1874 all these convictions are to

be recorded or not, as the Justices may after inquiry direct. Under the old law they were recorded if the Justices did not order to the contrary; under the new they will not be recorded unless the Justices order them to be recorded. The discretion of the Justices is here again maintained and extended, and it is to be hoped that they will continue to make a fair and just use of the power to inflict this effective penalty accorded to them by the Act of 1872, the fear of which has so largely contributed to reduce the number of convictions of publicans and beerhouse keepers during the last 18 months. It cannot be too often urged upon the attention of magistrates that the endorsement of the license, by reducing the selling value of the house, is the only check upon the owner of the premises. It is immaterial to him how frequently his servant or tenant, the occupier, is fined, provided his property in the disorderly house is not affected.

Section 12 leaves the Justices free to reduce the fine of a person holding a license below 20s. for the first offence, which they had no power to do under Section 67 of the Act of 1872; but for all subsequent offences the *minimum* penalty of 20s. is retained.

Powers of the Police.—The Licensed Victuallers state in their circular to the trade—and nothing can be further removed from the truth—that the powers of the police as regards visiting the premises, and especially the private apartments of the license-holder, have been curtailed.

Under the Act of 1872 the police were armed with powers hitherto vested in the Excise to search for and seize adulterated liquor. As not one single conviction has occurred under the Sections 19-22, they are properly repealed, and liquor sellers are left to be dealt with under the Adulteration of Food Act, 1872 (Section 14). But, as regards all other offences against the Licensing Laws, the police have exactly the same power of entry without a search warrant at all hours, on all licensed premises, and into every room in the premises, which they previously possessed under Acts which were merely re-enacted or declared by Lord Aberdare's Act. The words of Section 15 are sufficiently strong, and the question was fortunately raised in the House of Commons by Sir E. Watkin, and completely set at rest by the speeches of Mr. Cross and Sir Henry Selwin-Ibbetson, who showed the necessity of this clause and defeated Sir E. Watkin's Amendment by 204 to 63 (June 18).

Some stress is laid in the Licensed Victuallers' circular upon the permission granted by Section 30, to publicans and beersellers to entertain their friends after closing hours. It is difficult to believe that any magistrate can ever have held that it was illegal for a publican to receive and entertain his friends in his own house; but it is well, if such was the fact, that the law should be declared, and as the burden of proof that the entertainment is *bonâ fide* a private one will rest upon the giver of the feast, there is no reason to fear any great evasion of the law under the cloak of a spurious hospitality.

MISCELLANEOUS.—There is an excellent provision (Section 21) enabling persons to obtain a provisional license for unbuilt premises. Licensing Justices would do well to recognise the precautions secured by these preliminary applications. It will enable the question whether the new house is required to meet the wants of the neighbourhood to be more fairly and fearlessly debated, and, in case of a refusal, will save useless outlay and much consequent disappointment.

There are some useful provisions (Sections 17-19) relating to occasional licenses at fairs and races, which, though hardly of the importance which the Home Secretary would attach to them, are improvements on the existing law.

At the close of the Brewster Sessions in 1872, several benches of Justices instructed the police to leave a concise copy of the new regulations at each licensed house in their district. This course would be wisely adopted on the present occasion; it will be necessary to inform the refreshment and night-house keeper of his new closing hour, and in those places where there have been varying decisions as to the licensed grocer's power to keep open after the public-houses were closed, a notice setting the question at rest is required. As regards the general trade, it would be unfair to the publican that he should be expected to master the ill-drawn, mutilated, contradictory, and complicated clauses of the Bill, which he is told by "his own organ," and by other interested parties, has mitigated the penalties, abolished the power of entry by the police, and conceded all he complained of in the Act of 1872. If he, unfortunately, involves himself in any breach of the old regulations, he will find, as I have shown, that little, if any, change has been made in the punishment he will incur under the new law, should he come before any discreet and firm Justice of the peace.

I will not take up your space by any detailed criticism of the new Act. Its introduction was an error of judgment, though an error which, after the events of the general election, could not perhaps be avoided. In addressing my constituents on the 10th of last March I said, "The Tory Government have a debt to pay to the Licensed Victuallers; it will be the duty of the Opposition to make the payment as small as possible." When I consider what the Bill was when you last did me the honour to insert a letter of mine in its condemnation, and what it is now, my prediction is not quite unfulfilled. As Mr. Goschen observed on the third reading of this Bill, one of the seven great Government measures, "it is no business of ours if the Tory election accounts are paid in deteriorated coin." The foregoing summary of the changes made shows that the Opposition, with the aid of the county magistrates who sit on the Ministerial side of the House, have not been wholly unsuccessful in their efforts to obtain "a rebate."—I am, Sir, yours sincerely,

House of Commons, July 25. GEORGE MELLY.

VII.

NEW STATUS OF THE *BONA FIDE* TRAVELLER.

SIR,—I accept the severe criticism contained in your article upon the letter you did me the honour to insert in the *Times* of last Monday. If my closing sentences were unwisely "tinged with a determination to regard the question as one of merely party politics, and the concession to the Victualling interest as a debt on the part of the Government, the payment of which it was the duty of the Opposition to hamper and neutralise by every means in their power," I only frankly asserted a political fact openly admitted by both parties in Parliament, confirmed by Mr. Cleaver's official letter, and by speeches at the half-yearly meetings of the Licensed Victuallers' Associations throughout the country.

The rest of the letter, however, contained a detailed statement of the legal changes made in the regulations of the Liquor Traffic. This statement was revised by a counsel learned in the Licensing law, and is practically only impugned on two important points by Mr. Cleaver.

1. The maintenance of the right of search by the police. Here you rule Mr. Cleaver to be in the wrong, and enforce my view in more powerful language than mine.

2. The *status* of the *bonâ fide* traveller. On this point you agree with Mr. Cleaver, and condemn as intensely grotesque my assertion that the position of the Licensed Victualler as regards the traveller is not improved but injured by the three-mile limit. I venture to repeat my statement.

"There is only a change of a restrictive character in Section 10, which deals with the '*bonâ fide* traveller.' He must now not only have travelled three miles from the place where he lodged on the previous night, but, as heretofore, the Justices must also be satisfied of his *bonâ fides*, and that the publican was guiltless of knowingly evading the law. They are not necessarily to regard the traveller as *bonâ fide* because he has travelled three miles."

You admit the letter of the new law to be with me, but add, "it will be without significance in its practical application."

In 19 cases out of 20 "the *bonâ fide* traveller" appears upon the scene in connection with what is technically called "Sunday trading." This offence consists in the gathering together of numbers of men and women in the lowest public-houses and most disorderly beer-houses during the hours of Divine Service on Sunday mornings, and to a smaller extent on Sunday afternoons, during the hours at which all licensed houses are closed by law. The vast majority of the trade take no part in and greatly disapprove of this illegal traffic; nay, more, in many places they aid the police in their efforts to suppress it. Those who pursue this business are well known to the Justices and the police. They employ spies to watch and signal the approach of the constables, and the constables told off for this duty would be powerless if they appeared in their well-known uniform.

When a case of "Sunday morning opening" is proved, the defence invariably set up is that known as the "*bonâ fide* traveller." All the persons present have accidentally called in for a glass of beer or spirits to refresh themselves after long and weary travel.

According to your view of the new Act "Mr. Cross provides a short and simple test of the traveller's genuineness as such," viz., "that a man should find himself at least three miles from the place where he lodged on the previous night." My reading is that the traveller must be really a traveller; and, even if he be a traveller, that he must be three miles from home when he applies for refreshment. Under the previous law he was a traveller if commencing or completing a journey, though close to his home. Baron Bramwell held that a man *en route* for a railway station was a traveller the moment he left his house. Should the Justices adopt your reading of Section 10, Sunday morning drinking will be legalised in the Metropolis, in all our large towns, and especially in the suburbs. The roughs of Southwark will assemble to drink in Marylebone, and *vice versa;* while the Sunday trading houses of the Tower Hamlets will be filled by the inhabitants of Finsbury. Liverpool is six miles long, so the houses at each end and in the middle will be legitimately open all Sunday to the distant citizen, while Manchester and Salford will exchange their topers. I submit that such an interpretation is not within the wording of the clause, but is diametrically opposite to its evident intention. The law requires that the defendant should, in the opinion of the Justices, take all reasonable means to ascertain that the purchaser is a *bonâ fide* traveller; and I venture to think that the magistrates of the Metropolis and of the great provincial towns will show "the spirit of unaccountable captiousness" with which you charge me, and refuse to follow the reading of the law adopted by Mr. Cleaver, and which, as I have shown, would permit a small and disreputable minority of the trade to open their "bars" on Sunday mornings to an indiscriminate crowd of persons "who lodged at a place three miles distant from the place where they demand to be served." Should the Justices hold with Mr. Cleaver that every such person is entitled to refreshment, church and chapel goers, all lovers of order and decency, and the ratepayers of every degree, will soon be found, like me, "haggling at this simple and reasonable settlement of the question."

I will not take up your space by any reply to Mr. Cleaver's personal attacks. The unpopular course I have taken is dictated by no party spirit; and in endeavouring to maintain a strict law and severe penalties against illegal practices, I believe I serve alike the true interest of the public and still more of the great mass of the Licensed Victuallers and Beersellers who conduct their business within the limits of the law, and whose respectability is affected and whose property is put in jeopardy by the "black sheep" who exist in every trade.—I am, Sir, yours sincerely,

House of Commons, Aug. 1. GEORGE MELLY.